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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,747	08/06/2006	Pinhas Gilboa	231660-120	3893
37374 7590 03/12/2009 INSKEEP INTELLECTUAL PROPERTY GROUP, INC 2281 W. 190TH STREET SUITE 200 TORRANCE, CA 90504				
EXAMINER WITCZAK, CATHERINE				
ART UNIT		PAPER NUMBER		
3767				
NOTIFICATION DATE		DELIVERY MODE		
03/12/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

inskeepstaff@inskeeplaw.com

Office Action Summary

Application No.

10/597,747

Applicant(s)

GILBOA, PINHAS

Examiner

CATHERINE N. WITCZAK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 16-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7, 11-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Corvi (US 5,879,499).

Corvi disclose in Figures 15, 16, 25a, and 25b a method comprising the steps of introducing a catheter (726/736/130/133) into a biological conduit and employing a steering mechanism comprising a removable guidewire (column 20, lines 8-10) to deflect the distal tip of the catheter (728/738/131/135) so that the central axis of the distal tip lies substantially at a non-zero angle relative to the central axis of the conduit, with the tip being directed towards a sidewall of the conduit; actuating an inflatable anchoring mechanism (722/732/134) comprising an expandable element to retain the distal tip of the catheter at the desired angle; the anchoring mechanism initially assuming a collapsed state (column 19, lines 1-19) and the anchoring state exhibiting a maximum radial dimension; the anchoring element having a plurality of contact regions (407) as well as axial channels (830) for allowing fluid flow along the conduit when in the anchored state

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corvi as modified by Clark et al (US 5,713,853).

Corvi disclose the claimed invention except for the inflatable element including a first compartment for receiving a fluid therapeutic substance, a second compartment having a water permeable region, and a dispensing arrangement. Clark et al disclose in Figures 25 and 26 that it is known to include first and second permeable compartments (the various tubular members) in a dispensing arrangement on a inflatable element. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Corvi with the inflatable element having multiple permeable compartments arranged in a dispensing arrangement, since such a modification would allow for the distribution of therapeutic agents to the conduit via the inflatable element.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corvi in view of Clark et al, in further view of Durgin, Jr. et al (US 5,522,815).

Corvi in view of Clark et al disclose the claimed invention except for disclosing the device including a cannula deployable to project beyond the distal portion of the catheter. Durgin et al teach in Figure 3 it is known to use a cannula deployable to project beyond the distal portion of the catheter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Corvi in view of Clark et al with a cannula deployable to project beyond the distal portion of the catheter as taught by Durgin et al, since such a modification would allow for injections to be made using therapeutic access to tissue within the body.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corvi et al in view of Weinberger (US 5,707,332).

Corvi discloses the claimed invention except for disclosing the device carrying a brachytherapy

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seed. Weinberger teaches in the abstract that it is known to incorporate brachytherapy seeds into cardiovascular therapy devices. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Corvi with brachytherapy seeds as taught by Weinberger, since such a modification would aid in reducing restenosis after arterial intervention in the patient's artery.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE N. WITCZAK whose telephone number is (571)272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Catherine N Witczak/
Examiner, Art Unit 3767
/Kevin C. Sirmons/
Supervisory Patent Examiner, Art Unit 3767